



**joint
Statement**

Position Paper on the Upcoming Transitional Constitution

April 22, 2016

To: The Syrian Negotiating Parties
The International Syria Support Group
The United Nations Special Envoy Stefan de Mistura and his Team

We, the Syrian organizations working in the fields of documenting violations, accountability, transitional justice, and supporting a democratic transition in Syria, who have signed this memorandum, following the media reports on the drafting of a new constitution before August, submit this memorandum to the Syrian negotiating parties, to the United Nations Special Envoy and his team, and to the states supporting the negotiations as a procedural memorandum specifying our organizations' position on matters pertaining to the next Syrian constitution.

The signatories agree that the writing of a permanent Syrian constitution should come at a later time subsequent to the transitional stage. The drafting of a permanent Syrian constitution should take place through a constitutional committee, which would be established through a process that is agreed upon through elections, and would have a membership that is also agreed upon through elections and on the basis of legal and constitutional experience, and upon the review of members' résumés and characters.

The text of UN Resolution 2254 expressed support for a political process under Syrian leadership, facilitated by the United Nations, to "define a timeframe and a mechanism to draft a new constitution." However, the resolution did not in any way stipulate that a new Syrian constitution should be completed by non-Syrian parties before August.

The undersigned organizations believe that the timeframe that the American and Russian parties have announced is not at all realistic. This timeframe deprives the Syrians from thoroughly planning the process for drafting a new constitution. It also opens the door to pre-prepared constitutional drafts that could be readily imposed on the Syrian people. Moreover, the process of drafting the new constitution is exactly as important as the new constitution itself. If a guarantee is given that a wide segment of the Syrian people can participate by putting forth their demands for the new constitution, the drafting process itself can be part of the peace-building process.





The signatories affirm that Syria needs, in the transitional period, a constitutional declaration or a temporary draft constitution that focuses on the following constitutional principles in advance of the drafting of a new constitution once the security situation has stabilized and refugees have returned to Syria:

- 1) The people are the source of authority and legislation.
- 2) The division of powers, and the affirmation of the principle of checks and balances in the constitution.
- 3) Making the army and security forces subject to the authority of elected civilian officials, and banning military and security figures from politics.
- 4) Banning torture as well as harsh, degrading, and inhumane treatment.
- 5) Independence of the judiciary.
- 6) The constitution guarantees individual rights, including freedom of conscience, freedom of expression, access to information, privacy, and the guarantee of religious freedoms.
- 7) The constitution guarantees the freedom to assemble and protest, including the freedom to form parties and civil society organizations.
- 8) Forbidding discrimination among Syrians on the basis of gender, origin, language, religion, creed, wealth, social position, political beliefs, disability, or for any other reason.
- 9) Giving damaged areas priority in development and reconstruction efforts.
- 10) Ratifying international agreements on human rights, and committing to implementing them.
- 11) Equality before and in the law, specifying clear bases for respecting the principles in force, and the rule of law.
- 12) Total equality between all citizens, male and female, in civil, political, economic, and social rights, and in all fields of public and family life; and the implementation of policies and mechanisms to achieve the principle of proportionate representation between women and men in legislative and executive bodies, and in all representative institutions, including parties and civil organizations.

The organizations that have signed this memorandum affirm that the United Nations and the International Syria Support Group must abide by the decisions of the Security Council and allow the Syrian people to participate in the drafting of their country's next constitution.

We are ready to meet with you through our representatives at any time, and we invite you to discuss these points with us in more detail.





Signatories alphabetically,

1. Assyrian Network for Human Rights
2. Badael
3. Baytna Syria
4. Dawlaty
5. Daraa Free Lawyer Bar
6. Free Syrian Lawyers Aggregation
7. Free Syrian Lawyers Association (FSLA)
8. Human Rights Organization in Syria (MAF)
9. Local Development and Small-Projects Support (LDSPS)
10. Kawakibi Center for Human Rights
11. Kawakibi Organization for Human Rights
12. Syria Justice and Accountability Center (SJAC)
13. Syrian Network For Human Rights
14. The Day After (TDA)
15. Syrian League for Citizenship
16. Syrian Center for Media and Freedom of Expression (CME)
17. Syrian Center for Political and Strategic Studies
18. Syrian Center for Human Rights Studies
19. Syrian Institute for Justice
20. Syrian Free Independent Judicial Council
21. Violation Documentation Center (VDC)
22. Women Now

